

AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GANGFENG CAI
TA YEN CHING
HU YANG

Serial No.: 09/664,993

Filed: September 18, 2000

For: OXYGEN SCAVENGERS WITH
REDUCED OXIDATION PRODUCTS
FOR USE IN RIGID BEVERAGE AND
FOOD CONTAINERS

Group Art Unit: 1772

Examiner: Sandra M. Nolan

Attorney Docket: 2039.006100/RFE

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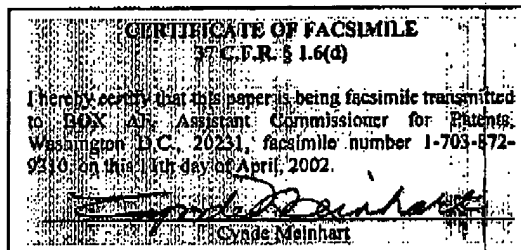
GROUP 1700

RESPONSE TO FINAL OFFICE ACTION DATED FEBRUARY 13, 2002

BOX AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:



This paper is submitted in response to the final Office Action dated February 13, 2002, for which the three-month date for response is May 13, 2002.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to

deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2039.006100RFE.

Reconsideration of the application in view of the following remarks is respectfully requested.

REMARKS

1. Status of claims

Claims 1-17 are pending.

2. Claim rejections under 35 U.S.C. §103

First, claims 1-12 and 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ching, U.S. Pat. No. 5,744,246 ("Ching") in view of Nordstrom, U.S. Pat. No. 3,536,687 ("Nordstrom"), for reasons made of record in Paper No. 8. Applicants respectfully traverse this rejection.

Claim 1, and all claims dependent thereon, recite the limitation "a multi-layer rigid container for food or beverage packaging comprising at least an inner layer, an outer layer and a core layer between the inner layer and the outer layer... wherein the core layer is comprised of (i) an oxygen scavenging polymer...." One of ordinary skill in the art, in light of the present specification (see, e.g., p. 21, lines 11-18, and Examples 2-10), would recognize the core layer as being substantially completely coextensive with each of the inner and outer layers. The specification at p. 21 teaches that few if any additives are typically used in oxygen scavenging compositions of the invention in bottle applications that require clarity. One of ordinary skill in the art would recognize that impaired clarity is a notable concern only if the oxygen scavenging